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17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

19 WAYMO LLC,

20 CASE NO. 3:17-cv-00939-WHA

21 Plaintiff,

22 vs.
23
**PLAINTIFF WAYMO LLC'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF ITS
OPPOSITION TO DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO, LLC'S MOTION FOR
RELIEF FROM AND EMERGENCY
MOTION FOR STAY OF NON-
DISPOSITIVE PRETRIAL ORDER OF
MAGISTRATE JUDGE (DKT. 951)**

24 UBER TECHNOLOGIES, INC.;
25 OTTOMOTTO LLC; OTTO TRUCKING
26 LLC,

27 Defendants.

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1 Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully
 2 requests to file under seal portions of Waymo’s Opposition to Defendants Uber Technologies, Inc.
 3 and Ottomotto, LLC’s Motion for Relief from and Emergency Motion for Stay of Non-Dispositive
 4 Pretrial Order of Magistrate Judge (Dkt. 951) (“Waymo’s Opposition”). Specifically, Waymo
 5 requests an order granting leave to file under seal the portions of the document as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Waymo’s Opposition	Green highlighted portions	Waymo

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10 **I. LEGAL STANDARD**

11 Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or
 12 portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under
 13 the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored
 14 to seek sealing only of sealable material.” *Id.* In the context of non-dispositive motions, materials
 15 may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good
 16 cause” standard of Federal Rule of Civil Procedure 26(c). *Kamakana v. City & Cnty. of Honolulu*,
 17 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331
 18 F.3d 1122, 1135, 1138 (9th Cir. 2003)).

19 **II. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION**

20 The Court should seal the portions of Waymo’s Opposition (portions highlighted green)
 21 identified by Waymo in the table above. Waymo seeks to file this information under seal because it
 22 discloses Waymo’s trade secrets and confidential business information. *See* Declaration of Felipe
 23 Corredor (“Corredor Decl.”) ¶¶ 3-5. Courts have determined that trade secret information merits
 24 sealing. *Music Grp. Macao Commercial Offshore Ltd. v. Foote*, No. 14-cv-03078, 2015 WL 3993147,
 25 at *1 (N.D. Cal. June 30, 2015) (quoting *Kamakana*, 447 F.3d at 1179); *see also Brocade Commc’ns*
 26 *Sys., Inc. v. A10 Networks, Inc.*, No. C 10-3428, 2013 WL 211115, at *1, *3 (N.D. Cal. Jan. 17, 2013)
 27 (granting request to seal document that “consists entirely of descriptions of Brocade’s trade secrets”).
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1 Confidential business information that, if released, may “harm a litigant’s competitive standing” also
 2 merits sealing. *See Nixon v. Warner Commc ’ns, Inc.*, 435 U.S. 589, 598-99 (1978). Waymo seeks to
 3 seal confidential business information and trade secret information that fit squarely within these
 4 categories. Corredor Decl. ¶¶ 3-5. Waymo maintains this information as a trade secret (*see* Dkt. 25-
 5 31) and ensures the information remains secret with strict secrecy and security protocols (*see* Dkt. 25-
 6 47; Dkt. 25-49.). *See* Corredor Decl. ¶ 4. Waymo has narrowly tailored its requests to only
 7 information meriting sealing. *Id.* ¶ 5. In fact, both *Music Group* and *Brocade* found the confidential
 8 information at issue in those cases met the heightened “compelling reasons” standard for sealing.
 9 *Music Grp.*, 2015 WL 3993147, at *1; *Brocade*, 2013 WL 211115, at *1, *3. The information that
 10 Waymo seeks to seal, therefore, also meets this heightened standard. The disclosure of Waymo’s
 11 trade secret and confidential business information would harm Waymo. Corredor Decl. ¶ 4.
 12 Moreover, the scope of information that Waymo is seeking to seal is consistent with other
 13 administrative motions to seal that have already been granted by the Court in this case. (*See, e.g.*, Dkt.
 14 416, 414, 406, 393, 392.) Thus, the Court should grant Waymo’s administrative motion to seal.

15 **III. CONCLUSION**

16 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the
 17 above listed documents accompany this Administrative Motion. For the foregoing reasons,
 18 Waymo respectfully requests that the Court grant Waymo’s administrative motion to file under
 19 seal.

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 21 DATED: July 27, 2017

QUINN EMANUEL URQUHART & SULLIVAN,
 22 LLP

23 By /s/ Charles Verhoeven

24 Charles Verhoeven
 Attorneys for WAYMO LLC

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